

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DISTRICT OF COLUMBIA,
a municipal corporation
400 6th Street NW
Washington, DC 20001,

Plaintiff,

v.

SWAHILI VILLAGE M STREET, LLC,
1990 M Street NW
Washington, DC 20036,

and

KEVIN ONYONA,
1990 M Street NW
Unit B1
Washington, DC 20036,

and

EMAD SHOEB,
1990 M Street NW
Unit B1
Washington, DC 20036,

Serve on: Sean T. Morris
1990 M Street NW, Unit B1
Washington, DC 20036

Defendants.

Case No.:
Judge:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff the District of Columbia (“District”), through the Office of the Attorney General, brings this enforcement action against Defendants Swahili Village M Street, LLC (“Swahili Village DC” or the “Restaurant”), Kevin Onyona, and Emad Shoeb for violations of the District’s Minimum Wage Revision Act (“MWRA”), D.C. Code § 32-1001, *et seq.*; Sick and Safe Leave

Act (“SSLA”), D.C. Code § 32-531.01, *et seq.*; and Wage Payment and Collection Law (“WPCL”), D.C. Code § 32-1301, *et seq.* In support of its claims, the District states as follows:

INTRODUCTION

1. Swahili Village DC is a fine-dining establishment run by experienced restaurateurs Kevin Onyona and Emad Shoeb, who promise patrons a meeting place for dignitaries and diplomats. But behind high prices and high-end cuisine is a grim reality: for years, Swahili Village DC has profited by stealing from its own employees, including the servers, hosts, food runners, bussers, and bartenders who made the Restaurant successful.

2. Under the leadership and control of Onyona, Swahili Village DC’s founder and Chief Executive Officer (“CEO”), and Shoeb, the Chief Operating Officer (“COO”), wage theft was rampant. Contrary to the District’s tipped minimum wage requirements, the Restaurant compensated employees exclusively through tips—and in amounts far below the minimum wage. The Restaurant regularly pocketed worker tips, by demanding workers turn over their tips and keeping a large portion or the entire amount. It did not provide overtime pay to employees when they worked more than 40 hours in a workweek. It never provided employees with the paid sick leave to which they were entitled, even though employees were showing up for work in person during the height of the global COVID-19 pandemic. And when employees complained, it reprimanded or ignored them.

3. These egregious and systemic violations, which persisted for years, reveal that wage theft and worker abuse were no accident at Swahili Village DC—they were part of the business plan. Since January 2020, Swahili Village DC has employed hundreds of low-wage servers, hosts, food runners, bussers, and bartenders. These employees are not Defendants’ elite clientele: they live paycheck to paycheck, and they suffer when those paychecks never arrive or

are for less than what they are owed. To date, Defendants owe hundreds of thousands of dollars and hundreds of paid sick leave days to its workforce of District employees.

4. The COVID-19 pandemic created challenges for every business and every worker, especially in the restaurant industry, and Swahili Village DC opened right at the height of the pandemic in March 2020. But the pandemic does not excuse Defendants' misconduct. Unlike the vast majority of law-abiding restaurants and businesses in the District that sought to weather these challenges through lawful means, Swahili Village DC instead responded by foisting its costs onto already-struggling workers through stolen wages. And even when the Restaurant's business rebounded in 2021 as patronage rose well above pre-pandemic levels, Defendants continued to steal thousands of dollars a year from employees.

5. Onyona has boasted: "We pride ourselves on the charity component of our business and want to be part of the community."¹ In reality, Defendants built a fine-dining empire on unpaid labor from vulnerable workers during a global pandemic. The District brings this action to recover wages owed to employees and all other applicable penalties for violations of District law.

JURISDICTION

6. The Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 32-1306(a)(2).

7. This Court has personal jurisdiction over Defendants Onyona, Shoeb, and Swahili Village DC pursuant to D.C. Code § 13-423(a).

¹ <https://njurbannews.com/2023/02/10/swahili-village-brings-taste-of-kenya-to-newark-and-beyond>.

PARTIES

8. Plaintiff District of Columbia, a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the seat of the federal government. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. The Attorney General is also charged with enforcing violations of the District's wage laws, including the MWRA, WPCL, and SSLA, pursuant to D.C. Code § 32-1306(a)(2)(A).

9. Defendant Swahili Village M Street, LLC ("Swahili Village DC") is a District corporation with a business address of 1990 M Street, NW, Unit B1. Swahili Village DC is a high-end restaurant, also known as "The Consulate," which has sister restaurants in Maryland and New Jersey.

10. Defendant Kevin Onyona, for all relevant times, was the founder and CEO of Swahili Village DC. He transacted business in the District by managing Swahili Village DC's operations from the company's address of 1990 M Street, NW, Unit B1. During all relevant times, Onyona had and exercised the authority to control the conduct of Defendant Swahili Village DC, including the conduct that violated the District's MWRA, WPCL, and SSLA.

11. Defendant Emad Shoeb, for all relevant times, was the COO of Swahili Village DC. He transacted business in the District by managing Swahili Village DC's operations from the company's address of 1990 M Street, NW, Unit B1. During all relevant times, Shoeb had and exercised the authority to control the conduct of Defendant Swahili Village DC, including the conduct that violated the District's MWRA, WPCL, and SSLA.

FACTUAL ALLEGATIONS

12. Defendants operate Swahili Village DC, an upscale restaurant in downtown Washington, D.C., which is one in a chain of related establishments, all called Swahili Village.² Since its opening, the Restaurant's vast dining room and fine cuisine have successfully drawn a crowd of dignitaries and world leaders.³ But Defendants built this success on the systematic underpayment of hundreds of District employees, a workforce that was "100 percent people of color," according to Onyona in September 2020,⁴ and remains largely so. Many employees are African immigrants.

13. The restaurant's exploitation of marginalized District workers was not an accident or one-time mistake—it was a choice. Onyona and Shoeb are experienced restaurateurs. In addition to Swahili Village DC, they own and operate other Swahili Village outlets in New Jersey and Maryland.⁵ Onyona told the media that the restaurant's Maryland location brought in \$4 million in 2019.⁶ COO Shoeb also has experience from other brands. He claims an extensive background in "extremely large project management" and "hospitality management."⁷ He has owned or operated restaurants from six other chains.⁸ On his personal website, Shoeb advertises his monthly hospitality lectures.⁹

14. Despite Onyona and Shoeb's combined and heavily touted industry experience and expertise, Defendants failed to comply with even the most basic rules for running a restaurant in

² <https://swahilivillages.com/restaurants>.

³ https://www.washingtonpost.com/lifestyle/food/swahili-village-restaurant-review/2021/04/01/dd38507c-8f37-11eb-a730-1b4ed9656258_story.html.

⁴ <https://www.washingtonian.com/2020/09/15/swahili-village-is-one-of-dcs-only-black-owned-fine-dining-restaurants-the-pandemic-hit-it-hard>.

⁵ *Supra note 1*.

⁶ <https://dc.eater.com/2020/3/11/21174786/swahili-village-african-restaurant-opening-dc-kenyan-food-photos-menu>.

⁷ <https://emadshoeb.com/bio>.

⁸ <https://emadshoeb.com>.

⁹ *Id.*

the District: keeping payroll records, paying the minimum wage, properly pooling tips, paying overtime, and providing paid sick leave to employees. By flouting these laws, Defendants knew they could save hundreds of thousands of dollars—at workers' expense—and they did.

A. Defendants Failed to Pay Employees the Minimum Wage and Stole Their Wages.

15. Swahili Village DC's wage theft began before the restaurant even opened its doors to patrons. In January 2020, in preparation for Swahili Village DC's grand opening in March, Defendants began hiring employees, including servers, hosts, food runners, bussers, and bartenders.

16. Between January and March 2020, these new staff prepared the restaurant for its grand opening. Employees came into the restaurant regularly and for hours at a time. At the time, District minimum wage was \$14.00 an hour. D.C. Code § 32-1003(5)(A)(iv). Instead of paying this amount, Defendants paid multiple employees between \$0 and \$5.00 an hour for their hours worked. Other workers were not compensated at all.

17. During these months, Swahili Village DC led a mandatory training program at the restaurant for new employees. Some workers were required to attend for several days and some for two weeks. Again, some staff were not paid at all, or were given only a few sub-minimum wage dollars an hour for this time.

18. Defendants briefly opened Swahili Village DC to the public in March 2020. In mid-March, Swahili Village DC closed its dining room in accordance with District pandemic restrictions. Defendants emailed their staff promising to send direct deposits for the payments they were owed for work they had performed thus far. Many employees never received this compensation. Some employees showed up at the restaurant to demand their compensation but were turned away. Some employees appealed to individual managers, including Shoeb, explaining their needs to make rent and feed their children. Their requests were never answered.

19. Swahili Village DC re-opened for in-person dining in June 2020. Thereafter, Defendants continued to fail to pay employees—including servers, hosts, food runners, bussers, and bartenders—the minimum wage, or even the District’s lower tipped minimum wage.

20. Defendants did not directly pay some employees at all. Instead, these employees were compensated only in tips provided by customers. When tips did not amount to the minimum wage, Defendants did not pay workers the difference, as required under District law. In fact, Defendants did not even keep records of each employee’s hours worked and compensation from tips, which would have been necessary to ensure each worker earned at least the minimum wage. By paying employees only or mainly in tips, Defendants ensured their staff immediately felt the pain when business, and thus tipping, was slow.

21. Further, Defendants required some employees to cede a portion of their earned tips to management and other workers. For example, each night, Swahili Village DC required some servers to turn over all their tips to management. Defendants explained that server tips would be distributed in part to management, bartenders, busboys, and other staff. Servers kept only the balance after the pay-out, which sometimes amounted to less than half of their earned tips. Similarly, Defendants told bartenders they needed to take a cut of their credit-card tips, to pay out servers and other staff. For some bartenders, Defendants stole several hundred dollars per paycheck.

22. Although Defendants told bartenders they were taking their tips to pay servers, many servers never received a cut of these funds. Similarly, although Defendants told servers they were taking their tips to pay other staff, many other staff never received a cut. Instead, these hundreds of dollars earned everyday mysteriously disappeared from employees’ paychecks. These practices meant that some servers and bartenders always took home only single-digit dollars for every hour worked during their months-long tenure with the restaurant.

23. District law permits employers to pay a tipped minimum wage, less than the full minimum wage, if they comply with various requirements. D.C. Code § 32-1003(f)-(g). But Defendants did not ever comply with these requirements. For example, Swahili Village DC did not even attempt to pay its employees this lower, tipped minimum wage. Instead, even when Defendants offered a base hourly rate to some employees, that wage was far below the minimum rate. For example, in 2020, when the tipped minimum wage was at least \$4.45, Swahili Village DC paid some servers only \$3.75 an hour. Others earned \$3.00 an hour—less than two thirds of the required rate.

24. Additionally, to be eligible for the tipped minimum wage, employers must ensure that every employee's hourly take-home pay is at least the regular minimum wage, considering wages and tips combined. D.C. Code § 32-1003(f)(1)-(8). But even when Defendants paid some small hourly wage rate, below the tipped minimum wage, Defendants did not ensure that employees' take-home pay was at least the regular minimum wage. As a result, many employees earned sub-minimum wages. For example, in March 2020, when business was almost nonexistent, some employees received only their \$3.75/hour base wage, earning more than that only on two days out of the two weeks they were working. This continued into fall 2020 and beyond, when some servers were consistently paid a total of only \$5.00 an hour, including wages and tips.

25. Additionally, to be eligible for the tipped minimum wage, employers must notify their employees of these provisions of District law. D.C. Code § 32-1003(g)(1)(A). Swahili Village DC did not ever notify employees of these provisions—not orally, in writing, or otherwise.

26. Further, if tips are shared among multiple employees, employers must provide notice of their tip-sharing policy to those employees. D.C. Code § 32-1003(g)(1)(C). Defendants pooled employee tips but did not provide notice of any such policy. Similarly, if tips are shared

among multiple employees, as was the case at Swahili Village DC, employers must post their tip-sharing policy. D.C. Code § 32-1003(g)(2). Swahili Village DC did not.

27. Finally, apart from stolen wages, even receiving payment from Defendants could be a painful process. Defendants paid employees on an erratic schedule. Sometimes, they received small payments at the end of every day. Other times, they received payments at the end of the week. Without a set compensation schedule, employees never knew how long they would have to stretch one paycheck or when they would have to return home empty-handed.

28. Sometimes, Defendants promised employees that they would pay them at a particular day and time, but then failed to have compensation ready at that day and time. Occasionally, Defendants told some staff members to come to the restaurant for their paychecks in the afternoon. When employees arrived, however, management did not have paychecks for them. Instead, the staff often had to wait upwards of four hours for management to handwrite a check for their pay period. They were not compensated for time spent waiting for payment. But unless they waited, employees received nothing.

29. The COVID-19 pandemic created challenges for every business in the restaurant industry, but it does not excuse Defendants' misconduct. And even when in-person restaurant patronage bounced back to pre-pandemic levels, Swahili Village DC continued cheating its employees. As early as fall 2020, according to workers' estimates, the restaurant's 295-seat dining room¹⁰ was over 65% full. The restaurant's popularity continued to grow in 2021 and 2022, buoyed by the visits of prominent political leaders to the restaurant.¹¹ To service the new flow of diners, in 2021, Defendants expanded their workforce by 30 employees. Despite booming business, Defendants did not remedy their pay issues. Instead, Defendants continued confiscating tips and

¹⁰ https://www.washingtonpost.com/lifestyle/food/swahili-village-restaurant-review/2021/04/01/dd38507c-8f37-11eb-a730-1b4ed9656258_story.html.

¹¹ <https://www.theeastafrikan.co.ke/tea/magazine/fine-dining-at-swahili-village-in-america-4065600>.

paying employees far below minimum wage, and at erratic times. In both 2021 and 2022, well past pandemic hardship, Defendants underpaid some individual employees by more than \$5,000, and continued their haphazard payment schedule.

30. Many employees wanted to complain or quit about these egregious pay practices but feared retaliation and unemployment. In fall 2020, some employees did complain to management and requested clarity about tip pooling and tip distribution practices. But Defendants still refused to provide any clarity or improve their payroll practices. Some employees complained again in fall 2021, but again to no avail.

31. Other employees never complained because they were never informed about their employment rights. Much of Swahili Village DC, Onyona, and Shoeb's staff were in their early twenties and, for many, working at the restaurant was their first paying job. Defendants led these vulnerable employees to believe that their wages were not only legal but typical, and that being paid just a few dollars an hour was normal practice for the District's restaurant industry.

B. Defendants Failed to Pay Employees Overtime.

32. Swahili Village DC is open to the public from 11:00 a.m. to 2:00 a.m. every day of the week. To keep Swahili Village DC operational, Defendants required some employees to be at the restaurant well before and after those times. Employees opening the establishment arrived between 8:00 a.m. and 9:00 a.m. Employees responsible for "closing" at the end of a night sometimes left around 3:00 a.m.

33. As a result, many employees worked long hours, including servers, hosts, food runners, bussers, and bartenders. Since the restaurant first opened, some of these employees clocked upwards of 60 hours a week. Defendants did not pay these employees required overtime rates when they worked overtime hours. Instead, Swahili Village DC compensated these hours as they did all other time: at erratic and often sub-minimum wage rates.

34. In both 2020 and 2021, Defendants failed to pay various employees hundreds of dollars each in overtime pay they were due. In 2022, as the demands on employees expanded along with the restaurant's business, Defendants failed to pay various employees thousands of dollars each in in the overtime pay they earned that year.

C. Defendants Failed to Provide Employees with Paid Sick Leave.

35. Businesses in the District are required to provide employees with accrued paid sick leave. Specifically, the SSLA requires that employers with between 25 and 99 employees provide each employee at least one hour of paid sick leave for every 43 hours worked, not to exceed 5 days per calendar year. D.C. Code § 32-531.02(a)(2), (g). This paid sick leave can be used by employees to cover absences when they experience certain illnesses and injuries, or to cover absences when they are caring for an ill family member. The importance of this law was emphasized both by the COVID-19 pandemic and by the CDC's recent findings that 40% of food poisoning outbreaks are caused by sick restaurant workers.¹²

36. At all times since opening, Swahili Village DC, Onyona, and Shoeb have employed more than 25 individuals. Defendants employed over 40 employees in 2020, over 80 employees in 2021, and over 60 employees in 2022. Many employees worked for Defendants for more than a year.

37. Swahili Village DC, Onyona, and Shoeb never even tracked, much less provided, employees with their accrued paid sick leave.

38. Defendants' employees occasionally got sick or injured, including with COVID-19. When they did, they occasionally took off work. Defendants did not pay these employees during their periods of sick leave and often verbally rebuked employees for missing work. Other

¹² https://www.cdc.gov/mmwr/volumes/72/ss/ss7206a1.htm?s_cid=ss7206a1_w.

times, employees came to work while sick or injured because they knew Defendants would not pay them unless they reported for work, and they needed money to pay their bills.

39. Similarly, some employees' family members experienced illnesses or injuries protected by the SSLA, which caused the employees to be absent from work. Defendants did not pay these employees during their periods of protected sick leave, and sometimes verbally reprimanded employees who missed work to care for family members.

40. Occasionally, Defendants accused employees of lying about being sick or having sick family members and threatened to fire them unless they provided proof, like hospitalization records, for a single absence. Even when employees did provide proof that they or a family member were sick, Defendants did not provide paid sick leave.

D. Defendants Failed to Maintain Employment Records.

41. Every business in the District is required to provide employees with basic records regarding their employment and pay. For example, the MWRA requires employers to inform employees, in writing on their hire date, of their rate of pay, their regular pay date, and the employer's tip sharing policy (if any). D.C. Code § 32-1008(c)(4), (4)(A), (5). Employers are also required, on every employee's pay dates, to provide each employee with an itemized statement showing the date of pay, total hours worked, gross and net wages, and any deductions from pay, and separately showing wages and tips, disaggregated by credit card and cash tips. D.C. Code § 32-1008(b)(1-7). Employers are required to preserve records of their employees' names, rate of pay, hours worked, and amounts paid for at least three years. D.C. Code § 32-1008(a)(1).

42. Despite these requirements, Defendants failed to provide employees with a single document about their employment. When Defendants hired employees, they did not provide any written offer letter or contract. They did not tell employees their base pay rate, the basis for that rate, or when they would be paid. They did not describe any aspect of their tip policies, including

with respect to tip sharing. Defendants left employees entirely in the dark about the Restaurant's policies and their rights.

43. When Defendants paid employees, they typically did not provide any written documentation at all, much less a formal paystub. Defendants did not provide itemized statements separately showing wages and tips, or showing deductions from or additions to wages, or showing amounts earned for each hour worked during the pay period. Defendants did not indicate to employees whether any taxes were withheld from their pay. Defendants did not indicate the number of recorded hours worked for each day, or even for each pay period. They did not indicate what amounts were withheld from employees' earned tips. And as a result, employees never knew the basis for their pay, or how much they could expect to take home in a given week.

44. Defendants failed to maintain accurate payroll records. As explained, payroll did not comprehensively and accurately record time worked and amounts paid for time worked, disaggregated by wages and tips. Further, Defendants' shoddy recordkeeping system entirely omitted certain employees.

45. Further, for most employees, Defendants did not even keep records of workers' legal names, addresses, occupation, and base rate of pay, much less the amounts paid per pay period to that employee, and their days and hours worked.

46. With no offer letter, employment contract, record of employment policies, payroll, or paystubs, there were little to no records at all of the Company's workers, even those who had spent months or even years at the Company.

47. Defendants' recordkeeping failures facilitated their broader wage theft, as employees were not informed how their pay was calculated or of their rights under District law.

COUNT ONE
Minimum Wage Violations
D.C. Code § 32-1003(c)

48. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

49. The MWRA requires employers to pay employees a set minimum wage for all hours worked, which is currently \$17.00 and increases on an annual basis. D.C. Code § 32-1003(a).

50. The MWRA permits certain employers to pay employees a lower tipped minimum wage, if those employers comply with various requirements and ensure that each worker earns more than the minimum wage for each hour worked considering the tipped minimum wage plus tips. *See* D.C. Code § 32-1003(f)-(g).

51. Defendant Swahili Village DC is an “employer” under the MWRA. D.C. Code § 32-1002(3).

52. Defendants Onyona and Shoeb are also “employers” under the MWRA. D.C. Code § 32-1002(3). At all relevant times, Defendants Onyona and Shoeb controlled, or had the ability to control, Defendant Swahili Village DC’s conduct alleged in the Complaint to violate the MWRA. As such, at all relevant times, Defendants Onyona and Shoeb were also individuals violating the MWRA or are otherwise liable for Defendant Swahili Village DC’s violations of the MWRA.

53. The individuals who work for Swahili Village are Defendants’ “employees” under the MWRA. D.C. Code § 32-1002(2).

54. Defendants violated the MWRA by failing to pay employees the District’s minimum wage for all hours worked. D.C. Code § 32-1003(a).

55. Defendants are not entitled to pay its workers the tipped minimum wage because they failed to meet the requirements of D.C. Code § 32-1003(f)-(g).

56. The Attorney General is authorized to bring a civil action in the Superior Court against employers for violations of the MWRA for “restitution or for injunctive, compensatory, or other authorized relief for an individual or for the public at large.” D.C. Code § 32-1306(a)(2)(A).

COUNT TWO
Overtime Violations
D.C. Code § 32-1003(c)

57. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

58. The MWRA requires employers to pay employees overtime wage rates of at least 1.5 times the employee’s regular rate for hours worked in excess of 40 hours per week. D.C. Code § 32-1003(c).

59. Defendants are “employers” under the MWRA. D.C. Code § 32-1002(3).

60. The individuals who work for Swahili Village are Defendants’ “employees” under the MWRA. D.C. Code § 32-1002(2).

61. Defendants violated the MWRA by failing to pay employees the required overtime wage for hours they worked in excess of 40 hours per week. D.C. Code § 32-1003(c).

62. The Attorney General is authorized to bring a civil action in the Superior Court against employers for violations of the MWRA for “restitution or for injunctive, compensatory, or other authorized relief for an individual or for the public at large.” D.C. Code § 32-1306(a)(2)(A).

COUNT THREE
Violations of the Sick and Safe Leave Act
D.C. Code § 32-531

63. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

64. The SSLA requires employers with at least 25, but not more than 99, employees to provide each employee at least one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year. D.C. Code § 32-531.02(a)(2).

65. The SSLA requires employers of employees at a restaurant or bar who regularly receive tips to provide each employee at least one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year, which shall be compensated in accordance with the District minimum wage. D.C. Code § 32-531.02(g).

66. The SSLA only permits an employer to require “reasonable certification” in support of an employee’s paid sick leave of three or more consecutive days. D.C. Code § 32-531.04(a)(1)-(2). “Reasonable certification” includes signed documents from health providers and other records verifying employees’ stated reason for their absence.

67. Defendant Swahili Village DC is an “employer” under the SSLA. D.C. Code § 32-531.01(3).

68. Defendants Onyona and Shoeb are also “employers” under the SSLA. D.C. Code § 32-531.01(3). At all relevant times, Defendants Onyona and Shoeb controlled, or had the ability to control, Defendant Swahili Village DC’s conduct alleged in the Complaint to violate the SSLA. As such, at all relevant times, Defendants Onyona and Shoeb were also individuals violating the SSLA or are otherwise liable for Defendant Swahili Village DC’s violation of the SSLA.

69. The individuals who worked for Swahili Village are Defendants’ “employees” under the SSLA. D.C. Code § 32-531.01(2).

70. Defendants violated and continues to violate the SSLA by failing to provide its employees with any accrued paid sick leave.

71. The Attorney General is authorized to bring a civil action in the Superior Court against employers for violations of the SSLA for “restitution or for injunctive, compensatory, or other authorized relief for an individual or for the public at large.” D.C. Code § 32-1306(a)(2)(A).

COUNT FOUR
Employer Records and Notice Violations
D.C. Code § 32-1008

72. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

73. Defendants violated the MWRA by failing to maintain a record of the name, address, and occupation of each employee, the rate of pay and the amount paid each pay period to each employee, and the precise times worked each day and workweek by each employee. D.C. Code § 32-1008(a)(1).

74. Defendants violated the MWRA by failing to provide employees, at the time of hiring, with the required written notice containing the name of their employer, their employer’s physical and mailing addresses, their employer’s phone number, the employee’s base of pay and the basis of that rate, and the employee’s regular payday. D.C. Code § 32-1008(c).

75. Defendants also violated the MWRA by failing to furnish each employee at the time of payment of wages with an itemized statement showing any deductions from and additions to wages and hours worked during the pay period. D.C. Code § 32-1008(b)(3), (5).

76. The Attorney General is authorized to bring a civil action in the Superior Court against employers for violations of the MWRA for “restitution or for injunctive, compensatory, or other authorized relief for an individual or for the public at large.” D.C. Code § 32-1306(a)(2)(A).

COUNT FIVE
Violations of the Wage Payment and Collection Law
D.C. Code § 32-1301, et seq.

77. The District re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

78. The WPCL requires that employers “shall pay all wages earned to his or her employees on regular paydays.” D.C. Code § 32-1302.

79. Defendant Swahili Village DC is an “employer” that employs “employees” as defined by the WPCL. D.C. Code § 32-1301(1B)-(2).

80. Defendants Onyona and Shoeb are also “employers” under the WPCL. At all relevant times, Defendants Onyona and Shoeb controlled, or had the ability to control, Defendant Swahili Village DC’s conduct alleged in the Complaint to violate the WPCL. As such, at all relevant times, Defendants Onyona and Shoeb were also individuals violating the WPCL or are otherwise liable for Defendant Swahili Village DC’s violation of the WPCL.

81. Defendants violated and continue to violate the WPCL by failing to pay employees minimum wage, overtime, and paid sick leave required by District law.

82. Minimum wage, overtime, and paid sick leave are “wages” as defined by the WPCL because they are “remuneration promised or owed . . . [p]ursuant to District or federal law.” D.C. Code § 32-1301(3)(E)(iii).

83. Defendants further violated the WPCL by failing to provide workers with itemized wage statements showing the date of the payment, gross wages paid, deductions from and additions to payment, net wages paid, and hours worked during the pay period. D.C. Code § 32-1306(e).

84. The Attorney General is authorized to bring a civil action in the Superior Court against employers for violations of the WPCL for “restitution or for injunctive, compensatory, or other authorized relief for an individual or for the public at large.” D.C. Code § 32-1306(a)(2)(A).

PRAYER FOR RELIEF

WHEREFORE, the District of Columbia respectfully requests:

- a. A declaratory judgment that (1) Defendants' failure to pay minimum wage constitutes a violation of the MWRA and WPCL; (2) Defendants' failure to pay overtime constitutes a violation of the MWRA and WPCL (3) Defendants' failure to provide required new hire notices, to maintain required employment records, and to furnish employees with itemized statements at the time of wage payment constitutes a violation of the MWRA and WPCL; and (4) Defendants' failure to provide accrued paid sick leave is a violation of the SSLA;
- b. An injunction against further violations of the MWRA, WPCL, and SSLA;
- c. An award of back wages against Defendants, jointly and severally, due to their failure to pay minimum wage and overtime in violation of the MWRA, in an amount to be proven at trial;
- d. Liquidated damages, jointly and severally, equal to treble the back wages unlawfully withheld;
- e. Statutory penalties against Defendants, jointly and severally, for each violation of the MWRA, SSLA, and WPCL in an amount to be proven at trial;
- f. An award of compensatory and punitive damages against Defendants, jointly and severally, for failing to provide accrued paid sick leave to employees in violation of the SSLA, in an amount to be proven at trial;
- g. An award of reasonable attorneys' fees and costs as authorized by D.C. Code § 32-1306(a)(2)(A)(i); and
- h. Such other further relief as this Court deems just and proper.

JURY DEMAND

The District demands a trial by jury on all issues triable as of right by a jury in this action.

Respectfully submitted,

Dated: August 22, 2023

BRIAN L. SCHWALB
Attorney General for the District of Columbia

JENNIFER C. JONES
Deputy Attorney General
Public Advocacy Division

/s/ James Graham Lake
JAMES GRAHAM LAKE (1028853)
Chief, Workers' Rights and Antifraud Section

/s/ Sarah Michael Levine
SARAH MICHAEL LEVINE (90009389)
ZACK HILL (1034504)
Assistant Attorneys General
Public Advocacy Division
Office of the Attorney General
400 6th Street N.W., Suite 10100
Washington, D.C. 20001
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Email: Sarah.Levine@dc.gov

Attorneys for the District of Columbia

Superior Court of the District of Columbia

CIVIL DIVISION - CIVIL ACTIONS BRANCH INFORMATION SHEET

District of Columbia _____ Case Number: _____
Plaintiff(s)
vs
Date: August 22, 2023
 SWAHILI VILLAGE M STREET, LLC, KEVIN ONYONA, EMAD SHOEB _____
Defendant(s) One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> Sarah Michael Levine	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: D.C. Office of the Attorney General	
Telephone No.: DC Bar No.: (202) 704-0559 90009389	

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ _____ Damages, Liquidated Damages, Civil Penalties Other: Injunctive Relief

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____
 Case No.: _____ Judge: _____ Calendar #: _____

NATURE OF SUIT: <i>(Check One Box Only)</i>		
CONTRACT <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Breach of Warranty <input type="checkbox"/> Condo/Homeowner Assn. Fees <input type="checkbox"/> Contract Enforcement <input type="checkbox"/> Negotiable Instrument	COLLECTION/INS. SUB <input type="checkbox"/> Debt Collection <input type="checkbox"/> Insurance Subrogation <input type="checkbox"/> Motion/Application for Judgment by Confession <input type="checkbox"/> Motion/Application Regarding Arbitration Award	EMPLOYMENT DISPUTE <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Discrimination <input checked="" type="checkbox"/> Wage Claim <input type="checkbox"/> Whistle Blower <input type="checkbox"/> Wrongful Termination
REAL PROPERTY <input type="checkbox"/> Condo/Homeowner Assn. Foreclosure <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Drug Related Nuisance Abatement		<input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Interpleader <input type="checkbox"/> Other <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance
ADMINISTRATIVE PROCEEDINGS <input type="checkbox"/> Administrative Search Warrant <input type="checkbox"/> App. for Entry of Jgt. Defaulted Compensation Benefits <input type="checkbox"/> Enter Administrative Order as Judgment <input type="checkbox"/> Libel of Information <input type="checkbox"/> Master Meter <input type="checkbox"/> Petition Other		AGENCY APPEAL <input type="checkbox"/> Release Mechanics Lien <input type="checkbox"/> Request for Subpoena MALPRACTICE <input type="checkbox"/> Medical – Other <input type="checkbox"/> Wrongful Death <input type="checkbox"/> DANGEROUS ANIMAL DETERMINATION <input type="checkbox"/> DCPS Residency Appeal <input type="checkbox"/> Merit Personnel Act (OEA) <input type="checkbox"/> Merit Personnel Act (OHR) <input type="checkbox"/> Other Agency Appeal
<input type="checkbox"/> APPLICATION FOR INTERNATIONAL FOREIGN JUDGMENT		

Information Sheet, Continued

CIVIL ASSET FORFEITURE

- Currency
- Other
- Real Property
- Vehicle

NAME CHANGE/VITAL RECORD AMENDMENT

- Birth Certificate Amendment
- Death Certificate Amendment
- Gender Amendment
- Name Change

TORT

- Abuse of Process
- Assault/Battery
- Conversion
- False Arrest/Malicious Prosecution
- Libel/Slander/Defamation
- Personal Injury
- Toxic Mass
- Wrongful Death (Non-Medical Malpractice)

GENERAL CIVIL

- Accounting
- Deceit (Misrepresentation)
- Fraud
- Invasion of Privacy
- Lead Paint
- Legal Malpractice
- Motion/Application Regarding Arbitration Award
- Other - General Civil

- Product Liability
- Request for Liquidation
- Writ of Replevin
- Wrongful Eviction

CIVIL I/COMPLEX CIVIL

- Asbestos
- Non-Residential
- Residential

MORTGAGE FORECLOSURE

- Non-Residential
- Residential

STATUTORY CLAIM

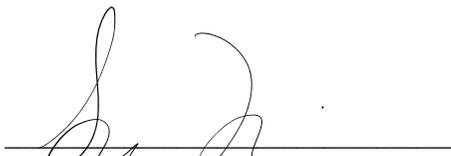
- Anti - SLAPP
- Consumer Protection Act
- Exploitation of Vulnerable Adult
- Freedom of Information Act (FOIA)
- Other

TAX SALE FORECLOSURE

- Tax Sale Annual
- Tax Sale Bid Off

VEHICLE

- Personal Injury
- Property Damage

 TRAFFIC ADJUDICATION APPEAL **REQUEST FOR FOREIGN JUDGMENT**

Filer/Attorney's Signature

08/22/2023

Date



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia, a municipal corporation, 400 Sixth Street NW, Washington, DC 20001

 Plaintiff

vs.

Case Number _____

Swahili Village M Street LLC, 1990 M Street NW Washington, DC 20036

 Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Sarah Michael Levine

Clerk of the Court

Name of Plaintiff's Attorney

400 6th Street, NW Suite 10100

By _____

Address

Washington, DC 20001

Deputy Clerk

202-704-0559

Date _____

Telephone

如需翻译,请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

Đề có một bài dịch, hãy gọi (202) 879-4828

법역을 원하시면, (202) 879-4828로 전화주세요. የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
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TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante
 contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante _____

Por: _____
 Subsecretario

Dirección _____

Fecha _____

Teléfono _____

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 반역자를 변호하지 마십시오 (202) 879-4828 請勿尋求法律協助 (202) 879-4828 請勿尋求法律協助 (202) 879-4828

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE Oponerse a esta acción, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedirayuda al respecto.

Vea al dorso el original en inglés
 See reverse side for English original



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia, a municipal corporation, 400 Sixth Street NW, Washington, DC 20001

 Plaintiff

vs.

Case Number _____

Kevin Onyona, 1990 M Street NW, Unit B1, Washington, DC 20036

 Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Sarah Michael Levine

Clerk of the Court

Name of Plaintiff's Attorney

400 6th Street, NW Suite 10100

By _____

Address

Washington, DC 20001

Deputy Clerk

202-704-0559

Date _____

Telephone

如需翻译,请打电话 (202) 879-4828

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DIVISIÓN CIVIL
Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante
 contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante _____

Por: _____
 Subsecretario

Dirección _____

Fecha _____

Teléfono _____

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Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia, a municipal corporation, 400 Sixth Street NW, Washington, DC 20001

 Plaintiff

vs.

Case Number _____

Emad Shoeb, 1990 M Street NW, Unit B1, Washington, DC 20036

 Defendant

SUMMONS

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Sarah Michael Levine

Clerk of the Court

Name of Plaintiff's Attorney

400 6th Street, NW Suite 10100

By _____

Address

Washington, DC 20001

Deputy Clerk

202-704-0559

Date _____

Telephone

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Sección de Acciones Civiles
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante
 contra

Número de Caso: _____

_____ Demandado

CITATORIO

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante _____

Por: _____
 Subsecretario

Dirección _____

Fecha _____

Teléfono _____

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 반역자를 변호하지 마십시오 (202) 879-4828 請不要為反叛者辯護 (202) 879-4828 ১৫৭৭৭৭৭৭ (২০২) ৮৭৯-৪৮২৮

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

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